

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	Case No.: 1:24-cr-010
Lucio Cruz,)	
)	
Defendant.)	

On March 26, 2024, Defendant made his initial appearance in the above-entitled action and was arraigned.

Prior to his initial appearance, Defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary. After the Indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), Defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

At his initial appearance and arraignment, the court advised Defendant of his rights under the Interstate Agreement on Detainers Act (“IADA”) to continued federal custody until the charges set forth in the Indictment are adjudicated. It also ordered Defendant detained pending further hearing on April 2, 2024

On March 28, 2024, Defendant filed an “Interstate Agreement on Detainers Antishuttling Waiver Stipulation.” (Doc. No. 21). Therein he waived the anti-shuttling provisions of the IADA and agreed to remain in the custody of the State of North Dakota (the “sending state” under the

IADA) at the North Dakota State Penitentiary pending further proceedings in this case initiated by the United States (the “receiving state” under the IADA).

The court accepts Defendant’s waiver, finding that it was made knowingly and intelligently, voluntarily, and upon advice of counsel. Accordingly, the court **ORDERS** that Defendant be returned to and housed in the “sending state” under the IADA pending further proceedings or until further order of the court. Further, pursuant to Defendant’s waiver, the return of Defendant to his place of incarceration in the “sending state” pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the Indictment. The hearing set for April 2, 2024, is cancelled.

Dated this 29th day of March, 2024.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court